

Regular Session, 2009

SENATE BILL NO. 104

BY SENATOR DUPLESSIS

SPECIAL DISTRICTS. Provides for the creation of the Lakewood East Security and Neighborhood Improvement District.(gov sig)

AN ACT

To enact R.S. 33:9080.3, relative to improvement districts in Orleans Parish; to create the Lakewood East Security and Neighborhood Improvement District; to provide that the Lakewood East Homeowners Association shall govern the district; to provide for the purpose, boundaries, parcel fee, budget, powers and duties of the district; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9080.3 is hereby enacted to read as follows:

§9080.3. The Lakewood East Security and Neighborhood Improvement District

A. Creation. The Lakewood East Security and Neighborhood Improvement District, a special taxing district, hereinafter referred to as the "district," is hereby created in Orleans Parish.

B. Boundaries. The district shall be comprised of the area of the parish of Orleans lying within the following perimeter: I-10 Service Rd., Mayo Blvd., Orleans Parish School Property formerly known as the Livingston Middle School, and St. Charles Canal.

1 C. Purpose. The district is established for the primary object and
2 purpose of promoting and encouraging the beautification, security, and overall
3 betterment of the Lakewood East Subdivision. The district will also encourage,
4 promote, and advance the nonprofit interests of homeowners in the subdivision
5 through participation in charitable activities and events.

6 D. Governance. (1) In order for the orderly development and
7 effectuation of the services to be furnished by the district and to provide for the
8 representation in the affairs of the district of those persons and interests
9 immediately concerned with and affected by the purposes and development of
10 the area, the affairs of the district shall be managed by the Lakewood East
11 Homeowners Association's Board of Directors, hereinafter referred to as the
12 "board."

13 (2) The minute books and archives of the district shall be maintained by
14 the board's secretary. The monies, funds, and accounts of the district shall be
15 in the official custody of the board.

16 (3) The duties of the officers shall be fixed by bylaws adopted by the
17 board. The board shall adopt such rules and regulations as it deems necessary
18 or advisable for conducting its business affairs. It shall hold regular meetings
19 as shall be provided in the bylaws and may hold special meetings at such times
20 and places within the district as may be prescribed in the bylaws.

21 (4) A majority of the members of the board shall constitute a quorum
22 for the transaction of business. The board shall keep minutes of all meetings and
23 shall make them available through the board's secretary to members of the
24 district.

25 (5) The members of the board shall be determined and selected as
26 provided in the bylaws and shall serve without compensation.

27 E. Powers and duties. The district, acting through its board, shall have
28 the following powers and duties:

29 (1) To adopt, use, and alter at will a corporate seal.

1 (2) To receive and expend funds collected pursuant to Subsection F of
2 this Section and in accordance with a budget adopted as provided by Subsection
3 G of this Section.

4 (3) To enter into contracts with individuals or entities, private or public.

5 (4) To perform or have performed any other function or activity
6 necessary or appropriate to carry out the purposes of the district or for the
7 overall betterment of the district.

8 (5) To provide for such services and make such expenditures as the
9 board deems proper for the upkeep of the district.

10 (6) To procure and maintain liability insurance against any personal or
11 legal liability of a board member that may be asserted or incurred based upon
12 his service as a member of the board or that may arise as a result of his actions
13 taken within the scope and discharge of his duties as a member of the board.

14 F. Parcel fee. The governing authority of the city of New Orleans is
15 hereby authorized to impose and collect a parcel fee within the district subject
16 to and in accordance with the provisions of this Subsection:

17 (1) The amount of the fee shall be as requested by duly adopted
18 resolution of the board. The fee shall be a flat fee and shall be imposed on each
19 parcel located within the district. The amount of the fee shall be three hundred
20 dollars per year for each parcel.

21 (2) The fee shall be imposed on each parcel located within the district.

22 (a) For purposes of this Section, "parcel" means a lot, a subdivided
23 portion of ground, or an individual tract.

24 (b) The owner of each parcel shall be responsible for payment of the fee.

25 (3)(a) The fee shall be imposed only after the question of its imposition
26 has been approved by a majority of the registered voters of the district who vote
27 on the proposition at an election held for that purpose in accordance with the
28 Louisiana Election Code. No other election shall be required except as provided
29 by this Paragraph.

1 **(b) The initial election on the question of the imposition of the fee shall**
2 **be held at the same time as a regularly scheduled election in the city of New**
3 **Orleans.**

4 **(c) If approved, the fee shall expire on December 31, 2018, but the fee**
5 **may be renewed if approved by a majority of the registered voters of the district**
6 **voting on the proposition at an election as provided in Subparagraph (a) of this**
7 **Paragraph. Any election to authorize the renewal of the fee shall be held only**
8 **at the same time as the mayoral primary election for the city of New Orleans.**
9 **If the fee is renewed, the term of the imposition of the fee shall be as provided**
10 **in the proposition authorizing such renewal, not to exceed eight years.**

11 **(4) The fee shall be collected at the same time and in the same manner**
12 **as ad valorem taxes on property subject to taxation by the city are collected.**

13 **(5) Any parcel fee which is unpaid shall be added to the tax rolls of the**
14 **city and shall be enforced with the same authority and subject to the same**
15 **penalties and procedures as unpaid ad valorem taxes.**

16 **(6)(a) The proceeds of the fee shall be used solely and exclusively for the**
17 **purpose and benefit of the district; however, the city may retain one percent of**
18 **the amount collected as a collection fee.**

19 **(b) The city of New Orleans shall remit to the district all amounts**
20 **collected not more than sixty days after collection.**

21 **G. Budget. (1) The governing authority of the district shall adopt an**
22 **annual budget in accordance with the Louisiana Local Government Budget Act,**
23 **R.S. 39:1301 et seq. The budget and all amendments shall be subject to the**
24 **approval of the governing board of the city of New Orleans.**

25 **(2) The district shall be subject to audit by the legislative auditor**
26 **pursuant to R.S. 24:513.**

27 **H. Miscellaneous provisions. (1) The board may contract with the New**
28 **Orleans Police Department or with a private security company that has been**
29 **certified and approved by the superintendent of the New Orleans Police**

Department for the provision of security patrols in the district. It is the purpose and intent of this Section that any additional security patrols, public or private, provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Department.

(2) The district may perform or have performed any other function or activity necessary for the achievement of its objectives:

(a) Encouraging the beautification, security, and overall betterment of the area included within the district.

(b) Encouraging, promoting, and advancing the nonprofit interests of homeowners in the subdivision through participation in charitable activities and events.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ann S. Brown.

DIGEST

Present law provided for the creation of special taxing districts in various parishes within Louisiana.

Proposed law creates the Lakewood East Security and Neighborhood Improvement District in Orleans Parish.

Proposed law lists the boundaries of the district as that area of the parish of Orleans lying within the following perimeter: I-10 Service Rd., Mayo Blvd., Orleans Parish School Property formerly known as the Livingston Middle School, and St. Charles Canal.

Proposed law provides that the purpose of the district shall be the beautification, security, and overall betterment of the Lakewood East Subdivision. Further provides that the district will also encourage, promote, and advance the nonprofit interests of homeowners in the subdivision through participation in charitable activities and events.

Proposed law provides that the district shall be governed by the Lakewood East Homeowners Association. Provides that a majority of the board members constitutes a quorum for the transaction of business.

Proposed law provides that the members of the board shall be determined and selected as

provided in the bylaws and shall serve without compensation.

Proposed law provides for the following powers and duties of the district:

- (1) To adopt, use, and alter at will a corporate seal.
- (2) To receive and expend collected funds in accordance with an adopted budget.
- (3) To enter into contracts with individuals or entities, private or public.
- (4) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district.
- (5) To provide for such services and make such expenditures as the board deems proper for the upkeep of the district.
- (6) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

Proposed law authorizes the city of New Orleans to impose and collect a \$300.00 annual parcel fee for the operation of the district. Defines "parcel" as a lot, a subdivided portion of ground, or an individual tract.

Proposed law provides that the fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district. If approved the parcel fee shall expire on 12/31/2018 unless renewed.

Proposed law provides that any parcel fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

Proposed law provides that the proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the city may retain 1% of the amount collected as a collection fee.

Proposed law provides that the governing authority of the district shall adopt an annual budget. The budget and all amendments shall be subject to the approval of the governing board of the city of New Orleans. The district shall be subject to audit by the legislative auditor.

Proposed law provides that the board may contract with the New Orleans Police Department (NOPD) or with a private security company that has been certified and approved by the superintendent of NOPD for the provision of security patrols in the district. Such security patrols shall be supplemental to and not in lieu of personnel and services provided in the district by NOPD.

Proposed law provides that the district may perform or have performed any other function or activity necessary for the achievement of its objectives of: (a) encouraging the beautification, security, and overall betterment of the area ; and (b) encouraging, promoting, and advancing the nonprofit interests of homeowners in the subdivision through participation in charitable activities and events.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9080.3)